

FILED
Clerk
District Court

IN THE ~~UNITED STATES~~ DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JAN 10 1978

For The Northern Mariana Islands
By [Signature]
(Deputy Clerk)

IN RE)
)
EATABLISHING A TIMETABLE) GENERAL ORDER NO. 3
)
IN CRIMINAL APPEALS)

In cooperation with the Judicial Conference of the United States and the Court of Appeals for the Ninth Circuit, and in the interest of expediting appeals in criminal cases,

IT IS ORDERED that:

Immediately upon the filing of a notice of appeal in a criminal case, the clerk of court will notify the judge who presided, the United States Attorney, and the court reporter. At the same time the clerk will deliver to the attorney for the appellant, or the appellant if he is acting pro se, a notice as follows:

NOTICE TO COUNSEL FOR APPELLANTS IN CRIMINAL CASES

You are hereby notified that the District Court, by a judge or magistrate thereof, in aid of the Court of Appeals, will hold a conference in this case personally or by telephone, at which time counsel will be expected to be prepared to discuss a time schedule for all matters required to be done in the prosecution of the appeal, including a tentative date for hearing, and to discuss with the court the designation of the record on appeal. Counsel will be prepared to advise the court whether the appeal is to be in forma pauperis. You may expect that the court will hold such conference not earlier than 7 days nor later than 14 days after the date of the filing of the notice of appeal.

The court shall, within not earlier than 7 days nor later than 14 days after the filing of the notice of appeal, confer with counsel for all parties, either in person or by telephone, and will thereupon recommend to the court of appeals a time schedule to be followed by counsel and court personnel in the preparation of the record on appeal.

Following the conference, the court will recommend a time schedule to the circuit court upon the form attached to this order.

By the time of the conference, if the trial was in forma pauperis, the court reporter shall have prepared the forms necessary for C.J.A. authorization and shall have made an estimate of the cost of the reporter's transcript, assuming that the entire record is to be designated. If anything less than the entire record is designated, proper deductions shall be reflected in the billing.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)
)
 Plaintiff and Appellee,)
)
 v.)
)
)
 Defendant.)
 _____)

No. _____

ORDER FOR TIME

SCHEDULE

The parties, counsel and court personnel in the processing of this appeal will comply with the following time schedule:

1. Designation of record to be completed immediately, if not already completed.
2. Docket fee to be paid immediately.
(Not applicable to appeals in forma pauperis)
3. The abstract of record and court reporter's transcript are to be delivered to the Clerk of the United States Court of Appeals in San Francisco not later than. _____
4. Appellant's opening brief is to be filed in San Francisco not later than _____
5. Appellee's brief is to be filed in San Francisco not later than _____
6. Appellant's final brief is to be filed in San Francisco not later than _____
7. This case is now calendared for hearing during the week of _____

The court is under the direction of the Judicial Conference of the United States to expedite criminal appeals.

Therefore, the foregoing order contemplates no extensions. The calendar date for hearing must be adhered to.

Done this _____ day of _____, 19____.

United States Circuit Judge

I recommend entry of the foregoing order.

United States (Judge) (Magistrate)

NOTE TO GENERAL ORDER NO. 3

This order embodies several suggestions made by former Chief Judge Chambers of the Ninth Circuit and is designed to expedite criminal appeals. I think that the rule and the forms are largely self-explanatory, but the Order for Time Schedule may be confusing.

As to Item 3, get an estimated time from the reporter for completion of his transcript. If the reporter cannot get the transcript out so that the record can be transmitted within the 40 days provided by Fed. R. App. P. 11(a), then extend the time as may be necessary. As to Items 4, 5, and 6, simply add the times provided by Fed. R. App. P. 31(a) for the filing of appellant's, appellee's, and reply briefs.

As to Item 7, get from the Clerk of the Court of Appeals the court's schedule of hearings, and calendar the appeal at the first available time following the time stated in No. 6. Then sign on the bottom line and forward to the Court of Appeals. The Court of Appeals will then either adopt or modify the time stated in the bottom line.

(If the parties bother you about additional time, tell them to take it up with the Court of Appeals.)